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EXTRAORDINARY

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MINISTRY OF LAW

New Delhi, the 30th June, 1952

THE CHANDERNAGORE (ADMINISTRATION) REGULATION, 1952.

No. I OF 1952

A Regulation to make provision for the administration of Chandernagore and for matters connected therewith.

In exercise of the powers conferred by clause (2) of article 248 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. **Short title, extent and commencement.**—(1) This Regulation may be called the Chandernagore (Administration) Regulation, 1952.

(2) It extends to the whole of Chandernagore.

(3) It shall come into force at once.

2. **Definitions.**—In this Regulation,—

(a) “Administrative Council” means the Council of Administration of Chandernagore set up under the Decree No. 47 2121 of 7th November, 1947 of the Government of the French Republic;

(b) ‘Administrator’ means the Administrator appointed under section 3;

(c) “appointed day” means the 9th day of June, 1952, the date on which the free town of Chandernagore was transferred, in full sovereignty, to India under the Treaty of Cession of Chandernagore;

(d) “Chandernagore” means the whole of the area which, immediately before the appointed day, was comprised in the free town of Chandernagore;

(e) "law" means any Act, Ordinance, Regulation, Rule, order or bye-law [including any law (by whatever name called) made by the Government of the French Republic] which immediately before the appointed day, was in force in the free town of Chandernagore;

(f) "Municipal Assembly" means the Municipal Assembly of Chandernagore set up under the Decree No. 47-2121 of 7th November, 1947 of the Government of the French Republic.

3. Appointment of Administrator.—There shall be an Administrator at the head of the administration of Chandernagore appointed by the Central Government.

4 Constitution of Advisory Council.—(1) The Central Government may, by notification in the Official Gazette, constitute an Advisory Council consisting of such number of members not exceeding five as it may think fit, to be associated with the Administrator for the purpose of assisting him in the discharge of his functions and the Administrator shall be the Chairman of the Advisory Council.

(2) Subject to any rules that may be made in this behalf, the members of the Advisory Council shall be appointed in such manner and on such terms as the Central Government may deem proper.

5 Other functionaries.—Without prejudice to the powers of the Central Government to appoint from time to time such officers as may be necessary for the administration of Chandernagore, the Indian Administrator, all judges, magistrates and other officers of the free town of Chandernagore, who, immediately before the appointed day, were exercising lawful functions in Chandernagore or any part thereof shall, until other provision is made by the Central Government, continue to exercise in connexion with the administration of Chandernagore their respective powers and jurisdiction, and to perform their respective duties and functions, in the same manner and to the same extent as before the appointed day.

6. Property and assets.—For the avoidance of doubts, it is hereby declared that all property and assets within Chandernagore which, immediately before the appointed day vested in the Government of the French Republic or in the Municipal Assembly or Administrative Council shall, as from that day, vest in the Central Government.

7. Rights and obligations.—All rights, liabilities and obligations of the Government of the French Republic or the Municipal Assembly or the Administrative Council in relation to Chandernagore shall, as from the appointed day, be the rights, liabilities and obligations of the Central Government:

Provided that nothing in this section shall affect the settlement of any financial issue between the Governments of India and the French Republic arising out of the transfer of the free town of Chandernagore.

8. Existing laws to continue.—Save as otherwise expressly provided in this Regulation all laws in force in the free town of Chandernagore immediately before the appointed day shall continue in force until repealed or amended by a competent Legislature or authority.

9. Existing taxes to continue.—All taxes, duties, cesses or fees which, immediately before the appointed day, were being lawfully levied in Chandernagore or any part thereof shall continue to be levied and to be applied to the same purposes, until other provision is made by a competent Legislature or authority.

10. Special provision in the application of certain laws.—Notwithstanding anything contained in this Regulation or in any law in force in the free town of Chandernagore on the 2nd day of May, 1950,—

(a) all proceedings, civil or criminal, which immediately before the aforesaid date, were pending in any court in Chandernagore shall, by virtue of this Regulation, stand transferred or be deemed to have been transferred to the corresponding court constituted under the Bengal, Agra and Assam Civil Courts Act, 1887 (XII of 1887) or the Code of Criminal Procedure, 1898 (Act V of 1898), as the case may be;

(b) any decree, order or sentence made or passed by any court of competent jurisdiction immediately before the aforesaid date shall, for all purposes, have effect as if it were a decree, order or sentence made or passed by the corresponding court constituted under the Bengal, Agra and Assam Civil Courts Act, 1887, or the Code of Criminal Procedure, 1898, as the case may be;

(c) the provisions of the Code of Civil Procedure, 1908 (Act V of 1908) or the Code of Criminal Procedure, 1898, as the case may be, shall apply to all proceedings instituted after the 2nd day of May, 1950, and so far as may be, to all cases pending in any civil or criminal courts on the aforesaid date.

11 Power to extend enactments to Chandernagore.—The Central Government may, by notification in the Official Gazette, extend with such restrictions or modifications as it thinks fit to Chandernagore any enactment which is in force in a Part A State at the date of the notification.

12. Powers of courts and other authorities for purposes of facilitating the application of laws.—For the purpose of facilitating the application of any law in Chandernagore, any court or other authority may construe any such law with such alterations not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

13. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Regulation or in connection with the administration of Chandernagore, the Central Government may, by order, make such further provision as appears to it to be necessary or expedient for removing the difficulty.

(2) Any order under sub-section (1) may be made so as to be retrospective to any date not earlier than the appointed day.

14. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) the appointment, and terms and conditions of service, of the members of the Advisory Council;
- (b) the functions of the Advisory Council and the matters in respect of which the Advisory Council may be consulted;
- (c) conduct of business and the procedure to be followed at meetings of the Advisory Council;
- (d) any other matter which has to be, or may be, prescribed.

15. Repeal.—Decree No. 47-2121 of 7th November, 1947 cancelling Decree No. 47-1245 of 30th June, 1947 and creating Chandernagore a free town and the subsequent texts modifying the same are hereby repealed, and the Municipal Assembly and the Administrative Council set up under that Decree are hereby dissolved.

RAJENDRA PRASAD,

President.

K. Y. BHANDARKAR,

Secretary.